

**BOARD OF LICENSING OF AUCTIONEERS
BOARD MEETING MINUTES
June 1, 2005**

MEMBERS PRESENT

Raymond Williams
Roger Chesley
James Keating
Edward Leary
William Macomber

OTHERS PRESENT

Carol Leighton, Administrator
Dennis Smith, Assistant Attorney General
Deborah Fales, Licensing Clerk
Susan Greenlaw, Board Clerk

MEMBERS ABSENT

Location: Androscoggin Room

Start: 9:00 a.m.

Adjourn: 5:18 p.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Board Chair Raymond Williams.

AGENDA MODIFICATIONS

Members agreed to add the following:

- AUC-190 – motion to continue the informal conference

OLD BUSINESS

Action on Minutes of April 6, 2005 Meeting

A motion was made by Roger Chesley to accept the minutes of the April 6, 2005 meeting as presented; seconded by William Macomber. Unanimous.

NEW BUSINESS

Administrator's Report

Legislation Update: Amendment to L.D. 1670 creating §286, sub-§8 – passed by the House and Senate and will become effective as soon as it is signed by the Governor.

Complaint Officer's Report

Nothing to report.

Informal Conference - #AUC-186

A motion was made by Roger Chesley to dismiss upon finding no violation of Board statute or rules; seconded by William Macomber. Chesley, Leary, Macomber, and Williams voted in the affirmative; none opposed; Keating abstained. Motion carried.

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Informal Conference - #AUC-190

A motion was made by Edward Leary to continue this matter and authorize AAG Dennis Smith to proceed with the Consent Agreement as originally proposed; seconded by Raymond Williams. Chesley, Leary, Macomber, and Williams voted in the affirmative; none opposed; Keating abstained. Motion carried.

Informal Conference - #AUC-191

A motion was made by Roger Chesley to table and request further information from the complainant; seconded by William Macomber. Chesley, Leary, Macomber, and Williams voted in the affirmative; none opposed; Keating abstained. Motion carried.

Hearing – James Cyr - #AUC-192/193/194

The Chair opened the hearing in the matter of James Cyr. Mr. Cyr was present and not represented by counsel. Assistant Attorney General Dennis Smith represented the State in this matter. James Smith attended as Hearing Officer. James Keating, Complaint Officer was present but did not participate in the hearing or deliberations. Public deliberations were conducted at the close of the hearing.

#AUC-192: A motion was made by Raymond Williams to find the licensee in violation of 32 M.R.S.A. §291(1)(B), §291(1)(D), §291(1)(E), Board Rules Chapter 50 Section 2(A) and 4(E); seconded by William Macomber. Unanimous 3-0.

#AUC-193: A motion was made by William Macomber to find the licensee in violation of 32 M.R.S.A. 291(1)(B), 291(1)(D), 291(1)(E), Board Rules Chapter 50 Section 2(A) and 4(E); seconded by Edward Leary. Unanimous 3-0.

#AUC-194: A motion was made by Edward Leary to find the licensee in violation of 32 M.R.S.A. §291(1)(D), §291(1)(E), Board Rules Chapter 50 Section 2(A) and 4(E); seconded by William Macomber. Unanimous 3-0.

A motion was made by Raymond Williams to find no violation of 32 M.R.S.A. §291(1)(B); seconded by Edward Leary. Unanimous 3-0.

A motion was made by William Macomber that Cyr's auctioneer license shall be suspended for a period of 270 days effective July 1, 2005; seconded by Edward Leary. Unanimous 3-0.

A motion was made by William Macomber to order Cyr to pay the costs of the hearing in the amount not to exceed \$1000 by October 1, 2005; seconded by Raymond Williams. Unanimous 3-0.

A motion was made by William Macomber to order Cyr to pay a fine in the amount of \$2500 by October 1, 2005; seconded by Edward Leary. Unanimous 3-0.

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Examination Results – May 18, 2005

Three individuals took the exam and received passing scores. The next examination is scheduled for July 20, 2005.

Review and Action on Applications

None to review.

Correspondence

Letter from Jones & Warren – C-It-Sell, LLC: Respond by noticing the amendment to L.D. 1670.

Next Meeting Scheduled for August 3, 2005

OTHER BUSINESS

ADJOURN

There being no other business, the meeting adjourned at 5:18 p.m.

Respectfully submitted,

Susan Greenlaw
Board Clerk